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Respectfully submitted,

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Registration Number 51,255  
Banner & Witcoff, Ltd.

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re Application of* )  
Michael A. AVENI, et al. ) Group Art Unit: 3728  
Serial Number 09/991,265 ) Examiner: Stashick, A.  
Filed: November 15, 2001 ) Attorney Reference: 005127.00078  
For: FOOTWEAR SOLE WITH A STIFFNESS )  
ADJUSTMENT MECHANISM )

**RESPONSE**

Commissioner for Patents  
Alexandria, VA 22313

Sir:

The Office Action mailed June 3, 2003 has been carefully reviewed and, in view of the following remarks, reconsideration and allowance of the application are respectfully requested.

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**I. Summary of Claims**

Claims 1-37 are currently pending in the application, with claims 1, 17, 20, and 28 being independent claims. In the outstanding Office Action, the Examiner rejected claims 1-5, 11-14, and 17-19 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 6,487,796 to Avar, et al. The Examiner also indicated that claims 20-37 are allowed, and that claims 6-10 and 15-16 would be allowable, but are objected to as being dependent upon a rejected base claim.



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<b>To:</b>	<b>FROM:</b>
Examiner A. Stashick	Byron S. Kuzara
<b>COMPANY:</b>	<b>DATE:</b>
U.S.P.T.O.	July 8, 2003
<b>FAX NUMBER:</b>	<b>TOTAL NO. OF PAGES:</b>
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U.S. Serial No. 09/991,265	005127.00078
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**COMMENTS:**

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